

REMARKS

Applicants submit this Request for Reconsideration in reply to the Office Action dated August 11, 2005.

Claims 1-2 and 4-8 are pending in this application, with claims 6-8 having been withdrawn from consideration. Claim 1 is the sole non-withdrawn independent claim.

On pages 3-6 of the Office Action, claims 1, 2, 4, and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent Application Publication No. 09-131802 to Meguro et al. ("Meguro") in view of U.S. Patent No. 5,543,966 to Meyers ("Meyers") and U.S. Patent No. 6,215,591 to Ueda et al. ("Ueda"). Applicants respectfully traverse these rejections.

No combination of Meguro, Meyers, and Ueda discloses or suggests the claimed invention. For example, independent claim 1 recites an optical element molded between a first die and a second die which are jointed along a partition line including, among other aspects, "a first optical surface on which a diffractive structure is provided, wherein the first surface is a convex surface," "a first edge portion of the flange surface adjoining to the first optical surface," and "wherein the second edge portion is positioned at the partition line between the first die and the second die and the first edge portion is positioned to be distant from the partition line." An exemplary illustration of the present invention, labeled "Present Invention" and Fig. 1 is attached.

Page 4 of the Office Action admits that "Meguro et al. lacks a diffractive structure provided on the convex optical surface." Accordingly, because Meguro does not disclose or suggest any diffractive structure, Meguro also does not disclose or suggest a relationship between the diffractive structure and the partition line, namely, that "the

first edge portion is positioned to be distant from the partition line” as set forth in claim 1. An illustration of Meguro labeled “Meguro” and Fig. 1 is attached.

Page 4 of the Office Action then asserts that “Meyers teaches an optical element molded between a first die and a second die which are joined along a partition line” along with other aspects of claim 1 with the exception of the convex surface. As noted in the Declaration of Hiroyuki Hattori submitted with the Amendment After Final filed October 2, 2003, however, the die separation in Meyers first occurs from the concave diffractive surface 3 of the lens, i.e., the portion of the lens adjacent to mold surface S2. Accordingly, even assuming *arguendo* that the lens adjacent to mold surface S2 corresponds to the first optical surface (and hence the first edge portion) of the claimed invention, Meyers does not disclose or suggest that “the first edge portion is positioned to be distant from the partition line.” Indeed, Meyers teaches the opposite of this aspect of claim 1, i.e., that the first edge portion is at the partition line. An illustration of Meyers labeled “Meyers” and Fig. 2 and Fig. 24 is attached.

Page 4-5 of the Office Action further admits that “[t]he combined teaches of Meguro et al. and Meyers lack the first surface being the convex surface on which the diffractive structure is provided.” The Office Action then asserts:

However, it is well known in the art that diffractive structure may be provided on one or both surfaces of a lens to produce a diffractive optical element. For example, Ueda et al. teaches a conventional diffractive optical element functioning as a lens (See for example Figure 4), wherein both surfaces, and in particular the convex surface, of the lens incorporates diffractive grating structures (See 20, 21 in Figure 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have diffractive structure provided on the convex optical surface, as taught by Meyers and Ueda et al., in the optical element of Meguro et al., for the purpose of providing

enhanced optical characteristics to the lens, such as higher numerical aperture or variable focal length.

However, Ueda is not provided as remedying the aforementioned deficiency of Meguro and Meyers concerning the location of the first edge portion relative to the partition line and, in any case, there is no motivation to combine the references in this manner.

Meguro and Meyers are directed to methods of **injection molding** plastic, or in the alternative for Meyers, creating a diffractive zone pattern on the lens surface by diamond turning or cutting. Ueda is directed to a method of **press forming** heated glass. (Col. 5, lines 8-12). An illustration of Ueda labeled "Ueda" and Fig. 4, Fig. 5A, Fig. 5B, and Fig. 5C is attached. Accordingly, because one practicing Meguro and Meyers would not be motivated to look to Ueda, Applicants respectfully request the withdrawal of the Section 103(a) rejections.

Applicants further submit that claims 2, 4, and 5 depend from independent claim 1, and are therefore allowable for at least the same reasons that independent claim 1 is allowable. In addition, each of the dependent claims recite unique combinations that are neither taught nor suggested by Meguro, Meyers, or Ueda, and therefore each are separately patentable.

In view of the foregoing remarks, Applicants submit that this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the consideration of this Request for Reconsideration, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

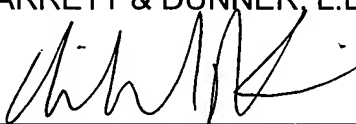
In discussing the specification and claims in this Request for Reconsideration, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment After Final and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: November 8, 2005

By: 

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Attachment: Drawings (3 sheets).